

COURT UNITED STATES DISTRICT COURT
COUNTY OF SOUTHERN DISTRICT OF NEW YORK
SECURITIES AND EXCHANGE COMMISSION

Index No. 05 CV 5231

Plaintiff(s)

against

AMERINDO INVESTMENT ADVISORS INC. ALBERTO WILLIAM
VILAR AND GARY ALAN TANAKA

Defendant(s)

**AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)**

IN A CIVIL CASE
SEE ATTACHED RIDER

STATE OF NEW YORK, COUNTY OF NEW YORK SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at NEW YORK, NEW YORK.
That on 6/21/05 at 8:45 P.M., at 74 EAST 79TH STREET, NEW YORK, NEW YORK
deponent served the within summons, and complaint on GARY ALAN TANAKA defendant therein named,
IN A CIVIL CASE
SEE ATTACHED RIDER

INDIVIDUAL
1. ☒ by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION
2. ☐ a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON
3. ☐ by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.
4. ☐ by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO RESIDENCE
USE WITH 3 OR 4
5A. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO BUSINESS
USE WITH 3 OR 4
5B. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION
USE WITH
1, 2, OR 3
☒ Male ☐ White Skin ☐ Black Hair ☒ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.
☐ Female ☐ Black Skin ☐ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☒ 100-130 Lbs.
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☐ 36-50 Yrs. ☒ 5'4"-5'8" ☐ 131-160 Lbs.
☐ Brown Skin ☐ Gray Hair ☐ Beard ☒ 51-65 Yrs. ☐ 5'9"-6'0" ☐ 161-200 Lbs.
☐ Red Skin ☐ Red Hair ☐ Glasses ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

Other identifying features:

USE IN
NYC CIVIL CT.
☐ The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE
☒ I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on
6/24/05

JOHN DICANIO
Notary Public, State of New York
No. 01-DI4977768
Qualified in Westchester County
Commission Expires Feb. 11, 2007

PRINT NAME BENEATH SIGNATURE
SHARON ALEXA ENGERSON

License No. 1192351

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X INDEX # 05 CV 5231
SECURITIES AND EXCHANGE COMMISSION

PLAINTIFF

**AFFIDAVIT OF
SERVICE RIDER**

-AGAINST-

**AMERINDO INVESTMENT ADVISORS INC.,
ALBERTO WILLIAM VILAR AND GARY
ALAN TANAKA,**

DEFENDANT

-----X

- **SUMMONS AND COMPLAINT IN A CIVIL CASE**
- **CIVIL COVER SHEET**
- **DECLARATION SUPPORTING MOTION TO BE ADMITTED PRO HAC VICE**
- **EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, ORDER TO SHOW CAUSE, AND OTHER RELIEF**
- **LOCAL RULE 6.1(d) DECLARATION OF PAUL G. GIZZI IN SUPPORT OF PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, ORDER TO SHOW CAUSE, AND OTHER RELIEF**
- **(PROPOSED) ORDER TO SHOW CAUSE, TEMPORARY RESTRAINING ORDER AND ORDER APPOINTING A RECEIVER AND GRANTING OTHER RELIEF**
- **DECLARATION OF ELZBIETA WRAGA IN SUPPORT OF PLAINTIFF AND EXCHANGE COMMISSION'S EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, ORDER TO SHOW CAUSE, AND OTHER RELIEF**
- **MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, ORDER TO SHOW CAUSE, AND OTHER RELIEF**

Page 2 of 2

SECURITIES AND EXCHANGE COMMISSION V. AMERINDO INVESTMENT, ET AL

- **(PROPOSED) PRELIMINARY INJUNCTION ORDER AND ORDER TO APPOINT A MONITOR FOR AMERINDO AND TO CONDUCT AN EXAMINATION OF CLIENT ACCOUNTS**
- **SUPPLEMENTAL DECLARATION SUPPORT MOTION TO BE ADMITTED PRO HAC VICE WITH CERTIFICATES OF GOOD STANDING ATTACHED**